UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,682	02/14/2002	Christopher R. Rice	42365-00580	1659

46670 7590 01/12/2006	EXAMINER
TOWNSEND AND TOWNSEND AND CREW/22395	NGUYEN, PHUOC H

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ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 August 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-32</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-32</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This office action is in response to the amendment filed on August 15, 2005. Previous office action contained claims 1-24. Applicant amended claims 1, 7, 11, 13, 14, 15, 18, 19, and 20, added claims 25-32. Amendment filed on August 15, 2005 have been entered and made of record. Therefore, pending claims 1-32 are presented for further consideration and examination.

2.   Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3.   Claim 10 is objected to because of the following informalities: The applicant is advised to rewrite the phrase "and a 30 phone" as "and a phone" for clarification. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

Regarding claim 1, the limitation "the analysis" lacks an antecedence basis. For

examination purposes, the examiner considers the limitation as any analysis to the profile.

Regarding claim 2, the term "may" in line 3 is a relative term which renders the claim

indefinite. The term "may" is not defined by the claim, the specification does not provide a

standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be

reasonably apprised of the scope of the invention. Claim 13 has the same rejection.

Thus, claims 3-11 and 14-24 are also rejected for being dependent on the rejected based

claims 1 and 13.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Landgren U.S.

Patent 6,115,754.

8.   Regarding claims 1, 25, and 30, Landgren discloses a system for controlling access to

location information generated for wireless communications devices (Abstract and figures 1A,

2A, 3, and 4), comprising: a first memory configured for storing at least one privacy profile for at least one subscriber wireless communications device (e.g. 312 in Figure 3 and col. 8 lines 55-65), wherein the privacy profile includes: identification information for the at least one wireless communications device (col. 8 lines 55-65) and a listing of client applications that are permitted to receive the location information for the at least one wireless communications device (e.g. 314 in Figure 3 through 302; col. 8 lines 21-42); and a first interface (e.g. 102 in figure 1 from 102 to 106) accessible over a data network which is configured to access, retrieve and provide the location information for the at least one wireless communications device to the client application (e.g. col. 3 lines 1-23) wherein prior to provision of the location information the first interface is further configured to access the privacy profile of the at least one wireless communications device in the first memory (e.g. col. 8 lines 55-65) and based on the analysis of the listing of client applications that are permitted to receive the location information provide the location information in a manner specified in the profile, which includes but is not limited to denying access to the location information (e.g. 312-318 of Figure 3; and col. 8 lines 55-65).

9.   Regarding claim 2, Landgren further discloses the first interface is further configurable to provide access to the subscriber profile for the at least one wireless communications device wherein a subscriber accessing the profile may modify at least one of: the identification information, the at least one privacy preference, and access information to the profile (e.g. 312 and col. 8 lines 56-65).

10.   Regarding claims 3 and 16, Landgren further discloses the at least one privacy preference includes at least one of: total denial of access, limited access to a time period, access limited to a

type entity making the request, access only granted to request of particular granularity, and

access based on user's geographic location (col. 8 lines 60-65).

11.   Regarding claim 4, Landgren further discloses the first interface is further configured to

perform an authorization and authentication process for the requesting client applications which

request the location information for the at least one wireless communications device (e.g. 301

and 302 in figure 3).

12.   Regarding claim 5, Landgren further discloses the memory is further configured to

include a client profile for each of the requesting client applications wherein the client profile

includes at least one of: client identification information and location request processing

information (e.g. 310-314 in figure 3).

13.   Regarding claims 6 and 17, Landgren further discloses the client profile may further

include at least one of: allowed location request types, time periods when the location requests

are limited, limits on frequency of the location requests, granularity allowed of the location

information provided, notification provisions for the at least one wireless communications device

(col. 8 lines 60-65).

14.   Regarding claim 7, Landgren further discloses the first interface is further configured to

provide access to the client profile so that the requesting client applications may modify the

client profiles that they are authorized to access (e.g. as register with server 302).

15.   Regarding claim 8, Landgren further discloses a second interface through which

communications are established with a location server which provides the location information

for the at least one wireless communications device (Figure 1B).

16.   Regarding claim 9, Landgren further discloses the second interface is configured to

receive location requests made through the location server, and to access the subscriber profile

and provide access to the location information for the at least one wireless communications

device based on analysis of the privacy preferences in the subscriber profile (col. 7 lines 15-31).

17.   Regarding claims 10 and 21, Landgren further discloses the first interface is configured to

communicate over the data network with at least one of: a computer workstation configured with

a web browser and a network connection (e.g. Figure 3 and 4 particularly), wireless

communications device employing wireless access protocol (WAP) and connecting through a

WAP gateway, a wireless communications device configured for short message service (SMS)

and a 3G phone configured with a direct HTML browser.

18.   Regarding claims 11 and 22-24, Landgren further discloses the first interface is further

configured to perform at least one of: automated billing functions related to the requests for the

location information received from the requesting applications; provide the location information

based on a priority assigned to the client application (e.g. Figure 4 location option); and request

throttling which controls number of the location requests the client applications may make within

an identified time period (col. 8 lines 21-26; and Figure 4).

19.   Regarding claim 12, Landgren further discloses at least one of: the first memory and the

first interface, are configurable on the same platform as the location server (Figure 1A with 102).

20.   Regarding claim 13, Landgren discloses a method of controlling access to location

information generated for wireless communications devices operating in a wireless

communications network (Abstract and figures 1A, 2A, 3, and 4), comprising: receiving a

request associated with at least one wireless communications device over a data network from a

requesting client application (e.g. 302/308 of Figure 3); accessing a subscriber profile associated with the at least one wireless communications device in memory, wherein the subscriber profile includes an indication of which of the requesting client applications may receive location information as well as at least one privacy preference which controls the manner in which the location information may be provided (Figure 3; col. 8 lines 43-55); determining whether the requesting client application is included in the accessed subscriber profile for the at least one wireless communications device, and if the at least one client application is identified in the accessed subscriber profile, providing access to the location information for the at least one wireless communications device according to the at least one privacy preference (Figure 3; col. 8 lines 56-65).

21.   Regarding claim 14, Landgren further discloses authenticating and authorizing the at least one client application upon receipt of the request for the location information for the at least one wireless communications device (e.g. 314 of Figure 3).

22.   Regarding claim 15, Landgren further discloses accessing a client profile in memory associated with the at least one requesting client application, receiving identification information from the at least one requesting client application, comparing the received identification with stored identification in the client application profile (e.g. 308-312 of Figure 3); and authenticating and authorizing the request for the location information if the received identification information substantially matches the received identification information (e.g. 314 of Figure 3).

23.   Regarding claim 18, Landgren further discloses detecting an access request for the client application profile for the at least one client application, wherein the request includes

identification information for the at least one client application, retrieving the client application

profile from memory and presenting said profile to the requesting client application, and

detecting modifications to the client application profile and entering the detected modifications

in the client application profile (e.g. 302-314 of Figure 3).

24.   Regarding claim 19, Landgren further discloses detecting an access request for the client

application profile for the at least one subscriber, wherein the request includes identification

information for the at least one subscriber, retrieving the subscriber profile from memory and

presenting said profile to the requesting subscriber, and detecting modifications to the subscriber

profile and entering the detected modifications in the subscriber profile (e.g. 302-314 of Figure

3).

25.   Regarding claim 20, Landgren further discloses the location requests received from:

client applications over a data network and directly from a location server (Figure 1A).

26.   Regarding claim 26, Landgren further discloses notifying the wireless device that the

client application is not authorized to receive the location information, and updating the

subscriber profile to authorize the client application to receive the location information during

subsequent requests (e.g. as register with server 302).

27.   Regarding claim 27, Landgren further discloses updating the subscriber profile is

performed by a subscriber (e.g. as register 302).

28.   Regarding claims 28 and 31, Landgren further discloses updating the subscriber profile

comprises updating the permission set for the client application (e.g. 314 of Figure 3).

29.   Regarding claims 29 and 32, Landgren further discloses the permission set comprises at

least one of a temporal permission set, a spatial permission set, a granularity filter, or a

notification instruction (e.g. 314 of Figure 3).

Conclusion

30.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Mastrianni et al. U.S. Patent 6,615,276

Janky U.S. Patent 5,629,693

Piccioni U.S. Patent 6,842,774

Bhatia et al. U.S. Pub. 2002/0038386

Bahl U.S. Pub. 2002/0095486

31.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919.

The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H Nguyen
Examiner
Art Unit 2143

January 5, 2006

DAVID WILEY
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